HON'BLE SRI JUSITCE GODA RAGHURAM

WRIT PETITON No.8835 of 2006

Dated 9-10-2006

Between:

Y.Naveen Kumar, Jubilee Hills, Hyderabad and others.

……Petitioners

and

The Commissioner of Police, Hyderabad and others.

…..Respondents

HON'BLE SRI JUSITCE GODA RAGHURAM

WRIT PETITON No.8835 of 2006

ORDER:

Petitioners allege that the respondents have failed to so far file a final report in Crime No.306 of 2005 to 311 of 2005 on the file of the Police Station, Chikkadapally and seek a direction to the 3rd respondent to expeditiously investigate and file a final report in the aforesaid mentioned cases.

On behalf of the 3rd respondent a counter affidavit has been filed. The allegations in the writ petition are denied.

A counter to the extent relevant and material reads as under:-

> "During the course of investigation, Photostat copies of Deed of sale were submitted by the petitioners; which were registered at the Office of the Sub-Registrar of Narsapur. A through study of the document revealed that; it was executed on 23rd Day of December, 1987 between 1. N. Krishna Rao

S/0.Late Venkateswar Rao, aged about 55 years, r/o Dandapadu village (via) Thulluru, Mangalgiri Taluk, Guntur District, 2. Smt. N. Satyavathi w/o. N. Chalapathi, aged about 64 years, Housewife r/o. Dandapadu village (via) Thulluru, Mangalgiri Taluk, Guntur District, 3. Guduru Daiva Krupaka Rao s/o. Venkateswara Rao, aged about 68-years, Business, r/o. Vidya Nagar, Guntur, 4. Nannapaneni Veeraiah s/o. Narasaiah, aged about 65-years, Business, r/o. H.No.2-2-1105/18/A, Tilak Nagar, Hyderabad, 5. Nannpaneni Smba Siva Rao s/o. Sri. Bhushaiah, aged about 55-years, Business, r/o.Napadu via Thulluru, Mangalagiri Taluq, Guntrur District and the complainant; wherein a land admeasuring 40.0 Guntas or 0.40 Hectors covered by Sy. No.180/7 37 Gts. 180/8 3 Gts. Situated at Khazipally village, Jinnaram Mandal, Medak District, under Gramapanchayat, Kistaiahpally shown as F.No.14/A bounded by East: 30 Feet wide road, Est: Land of this Sy.No.shown as F.No.15, North: Land of this Sy.No.shown as F.No.14/B, South: 50 ft. side road vide Regd. Doc.No.3329 of 1987 from the Office of the Sub-Registrar, Narsapur for a valid consideration of Rs.20,000/-.

The land in question falls under the limits of Bollarum P.S. of Medak District, and the registration also took place in the Office of the Sub-Registrar, Narsapur, and the complainant ahs preferred the complaint in the Court of the Honourable IX Additional Chief Metropolitan Magistrate, Hyderabad only on the plea that the accused persons A-1 to A-6 are staying in the H.No.1-8-538, Chikkadapally, Hyderabad, which falls under the limits of Chikkadpally P.S.

I submit that the enquiries revealed that the land in question admeasuring Ac.218.12 gts. In Survey No.180/1 to 180/5, 180/8 to 1890/15 situated at Khazipallyl village, Jinnaram Mandal, Medak

District was acaquired by one Smt. Yamuna Muthyalu d/o. Dorai Swamy Naidu Muthyalu, aged about 72-years, Household r/o H.No.3-6-286, Mutyala Gardens, Hyder Guda, Hyderabad from her father i.e., late Dorai Swamy in the year 1952-53. Further, she sold out the land to the accused persons A-1 to A6 in the year 1962 and from whom the vendor of the complaint purchased the land and in turn the complainant had purchased land admeasuring 40.0 Guntas or 0.40 Hectors covered by Sy.No.180/7 37-Gts. 180/8 3-Gts. Situated at Khazipally village, Jinnaram Mandala, Medak District, under Grampanchyat, Kistaiahpally in the year 1987. It is a fact that sale transaction took place between the accused persons A-1 to A-6 and A-7 in Survey Nos.180/6/EE/2, situated at Khazipally village, Jinnaram Mandal, Medak District but not with regard to Survey Nos. Sy.No.180/7 37 Gts. 180/8 3 Gts. Situated at Khazipally village, Jinnaram Mandal, Medak District as alleged by the Complainant. Moreover, enquiries made from the records of the Office of the Mandal Revenue Officer, Jinnaram it is revealed that Sy.No.180/1 to 180/15 situated at Khazipally village are patta lands and patta stands in the name of Yamuna Muthyalu in all sub-divisions except in 180/2/1, 180/3/1, 180/4/1 to 3, and 180/6 & 7 of Khazipally village. Further, it is revealed that the land in Sy.No.180/1 to 180/15 is a large extent and it is not possible to demarcate the land at present since there is no Mandal Surveyor and as such the purchasers are unable to find out their purchased lands at the site and approaching the Courts with their claims and counter claims, though civil cases are pending between them in the District Court, Medak vide O.S.No.15/2005 and also in I.A.No.1445/2005.

It is submitted that the evidence collected so far in this case reveals that it is a purely case of

claim and counter claim of lands amounting to civil nature, as such the cases are being referred as Civil in nature after appraising the facts to the Superiors and after obtaining necessary permission and service of Notice to the complainant. All the other allegations are not true and the same are denied. I assure this Honorable Court that I will file the Final Report at the earliest."

In the light of the averments in the counter affidavit, no proceedings are warranted in this writ petition.

The writ petition is accordingly dismissed.

9th October 2006

mrb